

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, February 02, 2017 3:24 PM
To: Sanchez, Rodzandra (COE)
Subject: Nicole Banks, Personnel Technician, Miami-Dade Corrections and Rehabilitation Bureau (Outside employment) INQ 17-04,

INQ 17-04 Banks

From: Turay, Radia (COE)
Sent: Thursday, February 02, 2017 3:22 PM
To: Sanchez, Rodzandra (COE) <Rodzandra.Sanchez@miamidade.gov>
Cc: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>
Subject: FW: INQ 17-04, Nicole Banks, Personnel Technician, Miami-Dade Corrections and Rehabilitation Bureau (Outside employment)

From: Turay, Radia (COE)
Sent: Thursday, February 02, 2017 3:22 PM
To: Banks, Nicole (MDCR) <Nicole.Banks@miamidade.gov>; Kirkland, Tina (MDCR) <Tina.Kirkland@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: INQ 17-04, Nicole Banks, Personnel Technician, Miami-Dade Corrections and Rehabilitation Bureau (Outside employment)

Dear Ms. Banks,

You have inquired whether a conflict of interest would exist where you, an employee working for the Miami-Dade Corrections and Rehabilitation Bureau (MDCR), have requested permission to engage in outside employment as a concessions supervisor for Levy Restaurants.

Background

You are a Personnel Technician in the Personnel Bureau for the Miami-Dade Corrections and Rehabilitation Department (MDCR). Your current job responsibilities include assisting in interviews of applicants for initial employment or for promotional positions; evaluating applicants' experience and training for adherence to minimum requirements; referring prospective employees to departmental hiring authorities for employment consideration; and making recommendations for selection or rejection; and processing new employees for appointment in accordance with established procedures.

You are seeking to engage in outside employment a concessions supervisor for Levy Restaurants, a County vendor. In your role as a concessions supervisor, you will be responsible for creating a great dining experience at a restaurant at the American Airlines arena.

In your County position, you do not have the authority to approve or disapprove any agreements for services between the County and Levy Restaurants; you have no involvement in the selection, oversight, or administration of the County contract with Levy Restaurants; and you have no responsibilities and/or duties that involve the American Airlines arena.

Legal Analysis

The Ethics Code at Section 2-11.1(j) states that a government employee may not accept outside employment that impairs his or her independence of judgment in the performance of public duties. Based on the information that you have provided to us at this time, it appears to be unlikely that the type of outside employment that you are seeking to engage in would impair your independence of judgement in the performance of your County duties as a personnel technician for MDCR.

As a reminder, pursuant to 2-11 of the County Code, County employees are required to request permission to engage in outside employment from their supervisor on a yearly basis. In addition, Section 2-11.1(k)(2) of the County's Ethics Code requires filing a financial disclosure form on a yearly basis. County employees are cautioned that they may not engage in any activity which would require them to disclose confidential information acquired by reason of their official position, nor use such information directly or indirectly for their personal gain or benefit. See Section 2-11.1(h), County Ethics Code. Lastly, a County employee may not use his or her official County position to secure privileges or exemptions for themselves or others. See Section 2-11.1(g), County Ethics Code.

This opinion is based on the facts presented. If any of these facts change, please contact us.

Sincerely,

RADIA TURAY

Staff Attorney
Miami-Dade Commission on Ethics and Public Trust
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From: Kirkland, Tina (MDCR)
Sent: Friday, January 20, 2017 12:36 PM
To: Ethics (COE) <ethics@miamidade.gov>
Subject: REVISED Ethics Opinion for Nicole Banks

Greetings,

The attached is being submitted on behalf of Nicole Banks for an Ethics Opinion.

Should you require additional information, please feel free to contact me at the number below.

Thanks

Shawntia Kirkland, Personnel Specialist 2
Personnel Management Bureau, Employee Relations
Miami-Dade Corrections & Rehabilitation Department
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Miami, Florida 33147
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